

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANNE MARIE RODRIGUEZ,

Plaintiff,

Case No. 15-cv-13491

v.

Honorable Thomas L. Ludington
Magistrate Judge David R. Grand

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION AND REMANDING

On October 6, 2015, Plaintiff Anne Marie Rodriguez filed a Complaint appealing the determination by the Social Security Administration that she was not entitled to benefits. Complaint, ECF No. 1. On January 25, 2016, Rodriguez filed a motion to remand pursuant to Sentence Four of 42 U.S.C. 405(g). ECF No. 14. On February 23, 2016, the Commissioner filed a motion for summary judgment. ECF No. 15. On August 16, 2016, Magistrate Judge David R. Grand issued a report recommending that the Commissioner's motion for summary judgment be denied, that Rodriguez's motion for remand be granted in part, that the ALJ's decision be reversed, and that the case be remanded for further proceedings. ECF No. 18. Magistrate Judge Grand found that the ALJ improperly discounted and failed to consider portions of Rodriguez's treatment physician's opinion regarding her medical condition.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 18, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Rodriguez's motion to remand, ECF No. 14, is **GRANTED IN PART**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 15, is **DENIED**.

It is further **ORDERED** that the case is **REMANDED** for further proceedings consistent with the Magistrate Judge's recommendation.

Dated: September 22, 2016

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 22, 2016.

s/Michael A. Sian
MICHAEL A. SIAN